

NO. C-3667-16-J

FILED
AT 9:40 O'CLOCK A M
NOV 15 2016

COMMISSION FOR LAWYER DISCIPLINE,
Petitioner

v.

RICHARD KENT LIVESAY,
Respondent

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IN THE DISTRICT COURT OF THE 430th JUDICIAL DISTRICT
Hidalgo County, Texas
By [Signature] Clerk
Deputy #25

HIDALGO COUNTY, TEXAS

AGREED JUDGMENT OF ACTIVE SUSPENSION

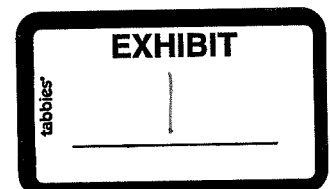
On this date, the Court considered the above styled and numbered cause. The Petitioner, the Commission for Lawyer Discipline, through its attorney of record, Stephanie Strolle, and the Respondent, Richard Kent Livesay, through his attorneys of record, Robert C. Hinton, Jr. and Steven L. Lee, announce that an agreement has been reached on all matters, including the imposition of an Active Suspension, as described below.

Jurisdiction and Venue

The Court finds the Respondent, RICHARD KENT LIVESAY, State Bar No. 00790057, is an attorney licensed to practice law in Texas. The Court finds it has jurisdiction over the parties and subject matter of this action and that venue is proper in the assigned district court of Hidalgo County, Texas.

Professional Misconduct

The Court, having considered the pleadings and the agreements of the parties, finds that the acts, omissions and conduct of the Respondent, RICHARD KENT LIVESAY, constitute professional misconduct as defined by TEXAS RULE OF DISCIPLINARY PROCEDURE 1.06(W). The parties agree and the Court finds that Respondent has violated TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT 1.02(a)(1), 7.03(a), 7.03(b), 7.06(b), 8.04(a)(1) and 8.04(a)(3).



Sanction

After considering the above finding of professional misconduct and the disciplinary rules violated by Respondent, and further considering each of the elements of Texas Rule of Disciplinary Procedure Rule 3.10, the parties agree and the Court finds that the proper discipline of Respondent, RICHARD KENT LIVESAY, for each finding of professional misconduct is an Active Suspension.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Respondent shall be actively suspended from the practice of law for a period of one year beginning January 1, 2017 and ending December 31, 2017.

Terms of Active Suspension

IT IS FURTHER AGREED AND ORDERED that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

IT IS FURTHER AGREED AND ORDERED that, on or before December 23, 2016, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension. In addition to such notification, IT IS FURTHER AGREED AND ORDERED that, on or before December 30, 2016, Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

IT IS FURTHER AGREED AND ORDERED that Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before December 30, 2016, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

IT IS FURTHER AGREED AND ORDERED that Respondent shall, on or before December 23, 2016, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

IT IS FURTHER AGREED AND ORDERED that Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before December 30, 2016, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

IT IS FURTHER AGREED AND ORDERED that, on or before December 30, 2016, Respondent shall surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

Attorney's Fees and Expenses

After further considering the findings of the Court regarding professional misconduct and the sanction to be imposed against Respondent and also considering the parties' agreement, the Court finds that Respondent should pay the reasonable attorney's fees and expenses associated with the proceeding pursuant to TEXAS RULE OF DISCIPLINARY PROCEDURE 1.06(Z)(b).

IT IS, THEREFORE, AGREED and ORDERED, ADJUDGED AND DECREED that Respondent shall pay Petitioner reasonable and necessary attorney's fees and direct expenses in the amount of Two Thousand Two Hundred Ninety-Two and 00/100 Dollars (\$2,292.00). The payment shall be made by certified or cashier's check or money order payable to the State Bar of Texas on or before December 1, 2016.

IT IS FURTHER AGREED AND ORDERED that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the STATE BAR OF TEXAS shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Publication

IT IS FURTHER ORDERED that this Agreed Judgment of Active Suspension shall be made a matter of public record and shall be published in the *Texas Bar Journal* in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

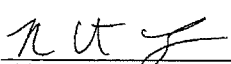
Order to District Clerk

IT IS FURTHER ORDERED that the Clerk of this Court shall forward two (2) certified copies of the current Disciplinary Petition on file herein, along with two (2) certified copies of this Agreed Judgment of Active Suspension to the Petitioner's counsel at the Office of the Chief Disciplinary Counsel, San Antonio Regional Office, 711 Navarro, Suite 750, San Antonio, Texas 78205.

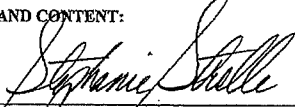
SIGNED this the _____ day of _____, 2016.


HON. DAPHNE PREVITI AUSTIN
SPECIALLY ASSIGNED PRESIDING JUDGE

AGREED AND APPROVED AS TO FORM AND CONTENT:

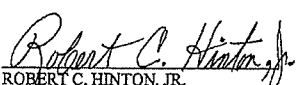

RICHARD KENT LIVESAY
State Bar No. 00790057

RESPONDENT


STEPHANIE STROLLE
State Bar No. 00785069

COUNSEL FOR PETITIONER

APPROVED AS TO FORM ONLY:


ROBERT C. HINTON, JR.
State Bar No. 09710800

COUNSEL FOR RESPONDENT

STEVEN L. LEE
State Bar No. 12137400

COUNSEL FOR RESPONDENT

Order to District Clerk

IT IS FURTHER ORDERED that the Clerk of this Court shall forward two (2) certified copies of the current Disciplinary Petition on file herein, along with two (2) certified copies of this Agreed Judgment of Active Suspension to the Petitioner's counsel at the Office of the Chief Disciplinary Counsel, San Antonio Regional Office, 711 Navarro, Suite 750, San Antonio, Texas 78205.

SIGNED this the _____ day of _____, 2016.

HON. DAPHNE PREVITI AUSTIN
SPECIALLY ASSIGNED PRESIDING JUDGE

AGREED AND APPROVED AS TO FORM AND CONTENT:

RICHARD KENT LIVESAY
State Bar No. 00790057

RESPONDENT

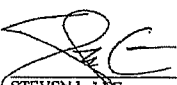
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